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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 2006-61

13 **GUADALUPE MANAGUIT IGNACIO**
14 **aka GUADALUPE MONA EDGAR,**
aka GUADALUPE MANAGUIT EDGAR
15 **5804 Altamont Drive**
San Diego, CA 92139-1506

PETITION TO REVOKE PROBATION

16 **Registered Nurse License No. 626487**

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about September 22, 2003, the Board of Registered Nursing issued Registered
25 Nurse License Number 626487 to Guadalupe Managuit Ignacio (Respondent). The Registered
26 Nurse License was in effect at all times relevant to the charges brought herein and will expire on
27 March 31, 2011, unless renewed.

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3. In a prior disciplinary action entitled "*In the Matter of Accusation Against Guadalupe Managuit Ignacio, aka Guadalupe Mona Edgar, aka Guadalupe Managuit Edgar*," Case No. 2006-61, the Board of Registered Nursing issued a decision, effective February 22, 2007, in which Respondent's Registered Nurse License was revoked. However, the revocation was stayed and Respondent's Registered Nurse License was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated herein by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

FIRST CAUSE TO REVOKE PROBATION

(Comply with the Board's Probation Program)

7. At all times after the effective date of Respondent's probation, Condition 2 stated:

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

1 8. Respondent's probation is subject to revocation because she failed to comply with the
2 terms of her probation as required by Probation Condition 2, and more fully described in
3 paragraphs 9-10, below.

4 **SECOND CAUSE TO REVOKE PROBATION**

5 **(Submit to Tests and Samples)**

6 9. At all times after the effective date of Respondent's probation, Condition 16 stated:

7 Respondent, at her expense, shall participate in a random, biological fluid
8 testing or a drug screening program which the Board approves. The length of time
9 and frequency will be subject to approval by the Board. Respondent is responsible
10 for keeping the Board informed of Respondent's current telephone number at all
11 times. Respondent shall also ensure that messages may be left at the telephone
number when she is not available and ensure that reports are submitted directly by the
testing agency to the Board, as directed. Any confirmed positive finding shall be
reported immediately to the Board by the program and Respondent shall be
considered in violation of probation.

12 In addition, Respondent, at any time during the period of probation, shall fully
13 cooperate with the Board or any of its representatives, and shall, when requested,
14 submit to such tests and samples as the Board or its representatives may require for
the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled
substances.

15 If Respondent has a positive drug screen for any substance not legally
16 authorized and not reported to the coordinating physician, nurse practitioner, or
17 physician assistant, and the Board files a petition to revoke probation or an
18 accusation, the Board may suspend Respondent from practice pending the final
decision on the petition to revoke probation or the accusation. This period of
suspension will not apply to the reduction of this probationary time period.

19 If Respondent fails to participate in a random, biological fluid testing or drug
20 screening program within the specified time frame, Respondent shall immediately
21 cease practice and shall not resume practice until notified by the Board. After taking
22 into account documented evidence of mitigation, if the Board files a petition to
revoke probation or an accusation, the Board may suspend Respondent from practice
pending the final decision on the petition to revoke probation or the accusation. This
period of suspension will not apply to the reduction of this probationary time period.

23 10. Respondent's probation is subject to revocation because she failed to comply with
24 Probation Condition 16, referenced above. The facts and circumstances regarding this violation
25 are as follows:

26 a. Respondent was required to submit to random tests with FirstLab, a biological
27 fluid testing facility approved by the Board. Respondent was to call FirstLab daily before 5 p.m.
28 to receive instructions as to whether she would be selected for specimen collection that day.

1 Respondent failed to contact FirstLab on the following fourteen dates: February 5, 2010, March
2 2, 2010, March 11, 2010, March 13, 2010, March 24, 2010, April 17, 2010, May 5, 2010, June
3 17, 2010, July 14, 2010, July 18, 2010, November 27, 2010, December 12, 2010, December 15,
4 2010, and December 23, 2010. Further, Respondent called in late to FirstLab on the following
5 five dates: February 27, 2010, June 18, 2010, June 24, 2010, June 27, 2010, and June 28, 2010.
6 Respondent failed to submit a sample for a random drug screen scheduled for March 11, 2010.
7 Additionally, Respondent's account with FirstLab was suspended for non-payment.

8 b. After seven instances of failing to call FirstLab, calling in late, and missing a
9 scheduled drug screen, Respondent was reminded in an Advisory Letter from her Board-
10 appointed probation monitor, dated March 25, 2010, of her requirement to call FirstLab daily
11 before 5 p.m.

12 c. In a Letter of Probation Violation dated July 19, 2010, Respondent was
13 informed that she was in violation of her probation for failing to call FirstLab (or calling late) on
14 nine additional occasions. Respondent was warned that additional violations would result in
15 further action against her license.

16 d. In a Second Letter of Probation Violation, dated December 23, 2010,
17 Respondent's probation monitor advised her that she either failed to call FirstLab, or called in
18 late, on 20 occasions between February 5, 2010 and December 23, 2010, and that her account
19 with FirstLab was suspended for non-payment.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
5 No. 2006-61 and imposing the disciplinary order that was stayed thereby revoking Registered
6 Nurse License No. 626487 issued to Guadalupe Managuit Ignacio, also known as Guadalupe
7 Mona Edgar, also known as Guadalupe Managuit Edgar;

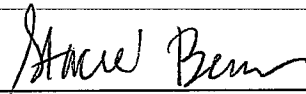
8 2. Revoking or suspending Registered Nurse License No. 626487, issued to Guadalupe
9 Managuit Ignacio;

10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED

March 8, 2011

for



LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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